



SOCIAL SECURITY ADMINISTRATION

20 CFR Part 404

[Docket No. SSA-2025-0420]

RIN 0960-AI99

Incorrect Terminology in Regulatory Text; Technical Amendments

AGENCY: Social Security Administration (SSA)

ACTION: Final rule; technical amendment.

SUMMARY: This final rule makes limited nomenclature changes to the Code of Federal Regulations (CFR) to conform with Executive Order (E.O.) 14168, *Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government*. This change will remove and replace the term “gender” with the term “sex” in the regulatory text of the Listing of Impairments that we use to evaluate disability claims under titles II and XVI of the Social Security Act (Act).

DATES: This rule is effective [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

FOR FURTHER INFORMATION CONTACT: Michael J. Goldstein, Disability Policy, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235-6401, telephone: (410) 965-1020.

For more information on eligibility or filing for benefits, call our national toll-free number, 1-800-772-1213, or TTY 1-800-325-0778, or visit our Internet site, Social Security Online, at <http://www.ssa.gov>.

SUPPLEMENTARY INFORMATION:

Discussion of the Rule

This final rule makes minor technical amendments to an appendix in the CFR. On January 20, 2025, the President issued E.O. 14168, *Defending Women from Gender*

Ideology Extremism and Restoring Biological Truth to the Federal Government,¹ which requires Federal agencies to use the term “sex” and not “gender” in all applicable agency policies and documents when administering or enforcing sex-based distinctions. In compliance with this E.O., these technical amendments replace the term “gender” with “sex” wherever it appears in the regulatory text of the Listing of Impairments (listings).² These technical amendments are limited to changing the term in SSA’s regulations to comply with section 3(c) of the E.O. 14168 and do not make any substantive changes to the regulations.

The Administrative Procedure Act (APA)

The APA provides that, when an agency for good cause finds that notice and comment procedures are impracticable, unnecessary, or contrary to the public interest, it may issue a final rule without prior notice and comment.³ We have determined that there is good cause for making this technical amendment without prior notice and comment because the revisions do not make any substantive changes to our regulations and will not impact the programs we administer. Therefore, notice and comment procedures are unnecessary and there is good cause under the APA for proceeding to a final rule.

Regulatory Procedures

E.O. 12866, as supplemented by E.O. 13563

We consulted with the Office of Management and Budget (OMB), and OMB has determined that this rule does not meet the criteria for a significant regulatory action

¹ Available at: <https://www.whitehouse.gov/presidential-actions/2025/01/defending-women-from-gender-ideology-extremism-and-restoring-biological-truth-to-the-federal-government/>. Published in the *Federal Register* at 90 FR 8615 (Jan. 30, 2025).

² The Listing of Impairments (listings) is found at Appendix 1 to Subpart P of 20 CFR Part 404. For each of the major body systems, the listings describe the impairments that we consider to be severe enough to prevent an adult from doing any gainful activity, regardless of age, education, or work experience. For children, the listings describe impairments that cause marked and severe functional limitations. 20 CFR 404.1525 and 416.925. The term “gender” currently appears in the following listing criteria for respiratory disorders: 3.02A, 3.02B, 3.02C, 3.03A, 3.04A, 103.02A, 103.02B, and 103.04A. It is also in the introductory text to the listings for various body systems (specifically, 3.00E3, 3.00F3, 5.00F2, 6.00B2, 100.00C2, 103.00E3, 103.00K2, 104.00C3, 105.00F2, 106.00B2, 106.00C5, and 114.00F7).

³ 5 U.S.C. 553(b)(B).

under section (3)(f) of E.O. 12866, as supplemented by E.O. 13563, and is not subject to OMB review. Therefore, OMB has not formally reviewed it.

E.O. 14192

Based upon the criteria in E.O. 14192, and OMB Memorandum M-25-20, *Guidance Implementing Section 3 of Executive Order 14192, Titled “Unleashing Prosperity Through Deregulation,”* this rule is not an “EO 14192 regulatory action.”⁴

Anticipated Transfers/Costs to Our Program

Our Actuarial Services anticipates no direct effect on program costs for the Old-Age, Survivors, and Disability Insurance (OASDI) and Federal Supplemental Security Income (SSI) programs as a result of the implementation of this final rule. This final rule makes technical changes to terminology but does not alter the policies or procedures that the agency currently follows. Therefore, no changes in OASDI or SSI program eligibility or benefit payments are expected due to this action.

Anticipated Administrative Costs/Benefits to the Social Security Administration

Our Budget Office expects that we will not incur any administrative costs nor realize any savings from the implementation of the final rule, as this rule will not change any current agency policies or procedures.

E.O. 13132

We analyzed this rule in accordance with the principles and criteria established by E.O. 13132 and determined that the rule will not have sufficient Federalism implications to warrant preparation of a Federalism assessment. We also determined that this rule will not preempt any State law or State regulation or affect the States’ abilities to discharge traditional State governmental functions.

⁴ According to M-25-20, “[a]n ‘EO 14192 regulatory action’ is: (i) A significant regulatory action as defined in Section 3(f) of EO 12866 that has been finalized and that imposes total costs greater than zero; or (ii) A significant guidance document, broadly conceived, (e.g., significant interpretive guidance) reviewed by OIRA under the procedures of EO 12866 that has been finalized and that imposes total costs greater than zero.”

Regulatory Flexibility Act

We certify that this rule will not have a significant economic impact on a substantial number of small entities because it makes technical, nomenclature changes only. Therefore, a regulatory flexibility analysis is not required under the Regulatory Flexibility Act, as amended.

Paperwork Reduction Act

This final rule makes only limited nomenclature changes to our regulations that reflect the necessary de minimus changes we already made to the affected forms at the beginning of 2025 due to E.O. 14168. Since we previously obtained OMB PRA approval for these language revisions, this rule does not create any new or affect any existing collections and, therefore, does not require OMB approval under the PRA.

(Federal Assistance Listing Nos. 96.001, Social Security—Disability Insurance; 96.002, Social Security—Retirement Insurance; 96.004, Social Security—Survivors Insurance; 96.006, Supplemental Security Income)

List of subjects in 20 CFR Part 404

Administrative practice and procedure, Blind, Reporting and recordkeeping requirements,
Social security

Mark Steffensen,
General Counsel,
Social Security Administration.

For the reasons stated in the preamble, we amend 20 CFR part 404 as follows:

**PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY
INSURANCE**

(1950-)

Subpart P—Determining Disability and Blindness

1. The authority citation for subpart P of Part 404 continues to read as follows:

Authority: 42 U.S.C. 402, 405(a)-(b) and (d)-(h), 416(i), 421(a) and (h)-(j), 422(c), 423, 425, 902(a)(5), and 1320e-3; sec 211(b), Pub. L. 104-193, 110 Stat. 2105, 2189; sec 202, Pub. L. 108-203, 118 Stat. 509 (42 U.S.C. 902 note).

Appendix 1 to Subpart P of Part 404 [Amended]

2. In Appendix 1 to subpart P of part 404, amend parts A and B by removing the word “gender” wherever it appears, and adding, in its place, the word “sex.”

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